1300 Pennsylvania Avenue NW
Washington, DC 20229

(b) (7)(E)

U.S. Customs and Border Protection

DEC 10 2014

MEMORANDUM FOR: All Chief Patrol Agents
All Division Chiefs

FROM: Michael J. Fisher
Chief
U.S. Border Patrol

(b)(6) (b)(7)(c)

SUBJECT: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents

Please see the attached Department of Homeland Security (DHS) memorandum, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents*. This November 20, 2014 memorandum reflects new policies for the use of deferred action. It supplements and amends DHS's June 15, 2012 guidance, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.*

The attached memorandum expands certain parameters of deferred action. It issues guidance for the case-by-case use of deferred action for those adults who (b) (7)(E) (b) (7)(E) (b) (7)(E) in accordance with DHS's November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,* which is also attached.

Staff may direct questions to Chief of Staff (b)(6) (b)(7)(c) at (b)(6) (b)(7)(c)

Attachments

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

September 6, 2017

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: (b) (6), (b) (7)(C)
Carla L. Provost
Acting Chief
U.S. Border Patrol

SUBJECT: Guidance on the Acting Secretary's Rescission of the Memorandum of June 15, 2012, Establishing DACA

On September 5, 2017, the Acting Secretary of Homeland Security issued a memorandum rescinding the June 15, 2012, memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who came to the United States as Children," which established a program known as the Deferred Action for Childhood Arrivals (DACA). The Attorney General sent the Department a letter on September 4, 2017, explaining that although such an "open-ended circumvention of immigration laws [by DACA] was an unconstitutional exercise of authority," the Department should still "consider an orderly and efficient wind-down process [of the program]."

As part of that orderly wind-down process, USCIS will no longer accept new DACA applications after September 5, 2017. Documents from current beneficiaries that have been accepted as of September 5, 2017, and from current beneficiaries whose benefits will expire between September 5, 2017, and March 5, 2018, that have been accepted as of October 5, 2017, will be processed. USCIS will reject all requests to renew DACA and associated applications for employment authorizations filed after October 5, 2017.

Agents are reminded that, consistent with existing guidance, all individuals who are encountered by U.S. Border Patrol and are believed to have entered illegally or are out of status at the time of the encounter must be appropriately processed, including all appropriate system checks. Although individuals may have been given deferred action under the DACA program, agents are reminded that deferred action is not, and even under DACA was not, lawful immigration status. Thus, agents must determine for any individual, consistent with the guidance set forth below, whether removal proceedings are appropriate.

When an individual who claims to have DACA is encountered, an agent must first process the individual through (b) (7)(E) An individual who has a pending application (that is, it has been accepted by USCIS for processing) for DACA or DACA renewal should be processed as if they have deferred action under DACA, absent derogatory information. If the individual claims to have DACA but does not have documentation of DACA physically available at the time of

processing, the agent should either run (b) (7)(E) or, if the agent does not have access to (b) (7)(E) the agent should contact USCIS directly. If an agent determines that the individual does have deferred action through DACA, and that there is no derogatory information indicating other processing is appropriate, the individual should be permitted to depart the Border Patrol facility upon approval by the Chief Patrol Agent or his or her designee. If an agent determines that an individual does not have deferred action (through DACA or otherwise), the individual should be processed according to normal procedures.

(b) (7)(E)

Individuals who may previously have been eligible for DACA but who, as of September 6, 2017, do not have a DACA application accepted for processing by the Department, should be processed according to normal procedures.

The rescission of DACA does not alter in any way the normal processing requirements for those who are encountered without lawful basis to enter or remain in the United States. For instance, (b) (7)(E) (b) (7)(E) Similarly, agents must still comply with the requirements of the Trafficking Victims Protection Reauthorization Act (TVPRA), *Flores*, and all other legal and policy requirements in place.

This Guidance is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial, or any other proceeding.

Department of Homeland Security's Immigration Enforcement Priorities

U.S. Customs and Border Protection

Secretary Johnson 2014 Guidance

- On November 20, 2014, Homeland Security Secretary Jeh Johnson issued a memorandum entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants.”
- This memorandum generally underscores that DHS immigration enforcement authorities should be focused on threats to national security, public safety, and border security.
- The memorandum also reaffirms the authority of DHS personnel to exercise prosecutorial discretion on a case-by-case basis in the enforcement of immigration laws.

Secretary Johnson 2014 Guidance

Specifically, the Secretary's memorandum sets forth three clear priorities for DHS's enforcement of U.S. immigration law:

- **Priority #1**: Aliens who pose a threat to national security, border security, or public safety
- **Priority #2**: Misdemeanants and new immigration violators
- **Priority #3**: Other immigration violations

Priority One

- The following aliens represent the highest priority to which enforcement resources should be directed:

- Priority 1(a): Aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

- Priority 1(b): Aliens apprehended at the border or ports of entry while attempting to unlawfully enter the United States;

Priority One (cont'd)

- Priority 1(c): Aliens convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or aliens not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of the gang;

- Priority 1(d): Aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien's immigration status; and

Priority One (cont'd)

- Priority 1(e): Aliens convicted of an "aggravated felony," as that term is defined in section 101(a)(43) of the Immigration and Nationality Act, at the time of the conviction.

Key points to keep in mind…

The removal of aliens in this category must be prioritized unless*:*

- They qualify for asylum or another form of relief under our immigration laws, or

- In the judgment of the ICE Field Office Director, CBP Sector Chief or CBP Director of Field Operations, there are **compelling and exceptional factors** that clearly indicate the alien is not a threat to national security, border security or public safety, and should not therefore be an enforcement priority.

Priority Two

The second highest immigration enforcement priority is comprised of the following categories:

- Priority 2(a): Aliens convicted of **three or more misdemeanor offenses** (other than minor traffic offenses or local or state offenses for which an essential element was the alien's immigration status) **provided that the offenses arise out of three separate incidents**;

Priority Two (cont'd)

- Priority 2(b): Aliens convicted of a **significant misdemeanor**, which means:
  - An offense of domestic violence*, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence; or
  - If not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody and does not include a suspended sentence);

*Careful consideration should be given to whether the convicted alien was also the victim of domestic violence; if so, this should be a mitigating factor.

Priority Two (cont'd)

- Priority 2(c): Aliens apprehended anywhere in the United States after unlawfully entering or re-entering the United States and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since **January 1, 2014**; and

- Priority 2(d): Aliens who, in the judgment of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs.

Key points to keep in mind…

These aliens should be removed unless:

- They qualify for asylum or another form of relief under our immigration laws, or

- In the judgment of the ICE Field Office Director, CBP Sector Chief or CBP Director of Field Operations, USCIS District Director, there are **factors** indicating that the individual is not a threat to national security, border security or public safety, and should not therefore be an enforcement priority.

Priority Three

The third and lowest priority for apprehension and removal include aliens who have been issued a final order of removal on or after January 1, 2014.

Priority Three (cont'd)

The term "final order" refers to situations:

- When appeal has been dismissed by the Board of Immigration Appeals;
- When appeal has been waived by the alien;
- When the time allotted to file an appeal has expired and no appeal has been filed;

Priority Three (cont'd)

- In cases certified to the Board or Attorney General, upon the entry of their decision ordering removal;
- At the time an in absentia removal order is entered; or
- When voluntary departure has expired*.

* Aliens granted voluntary departure by an immigration judge or the Board before January 1, 2014, but whose voluntary departure period expired on or after that date without them having departed, should be evaluated a case-by-case basis to determine whether their removal would serve an important federal interest.

Key points to keep in mind…

These aliens should generally be removed unless*:*

- They qualify for asylum or another form of relief under our immigration laws, or

- In the judgment of an **immigration officer**, the individual is not a threat to the integrity of the immigration system or there are **factors** suggesting the individual should not be an enforcement priority.

Prosecutorial Discretion

Secretary Johnson's memorandum makes clear that, notwithstanding these priorities:

- Nothing in the memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of aliens unlawfully in the United States who are not identified as priorities, and
- DHS personnel are required to exercise "prosecutorial discretion" based on individual circumstances.

Factors to Consider

Secretary Johnson's memorandum provides a list of factors that should be considered in exercising discretion, including:

- Extenuating circumstances involving the offense of conviction;
- Extended length of time since the offense conviction;
- Length of time in the United States;
- Military service;
- Family or community ties in the United States;
- Status as a victim, witness, or plaintiff in civil or criminal proceedings; and
- Compelling humanitarian factors, such as poor health, age, pregnancy, a young child, or a seriously ill relative.

Factors to Consider (cont'd)

These factors listed are not exhaustive and no single factor is necessarily determinative.

CBP officers and agents should always consider prosecutorial discretion on a case-by-case basis.

The decision should always be based on the totality of the circumstances.

Processing Procedures under Secretary's 2014 Guidance

- Upon encountering individual(s), CBP will determine alienage and legal status to enter/remain/reside in the United States. For those individuals where there is a question about their lawful status, CBP will process the individual further to determine appropriate disposition.
- CBP will process to include complete record checks derived from biometric, biographic and other data.
- For individuals who are a priority, CBP will continue to process those individuals under current processes and procedures.

Processing Procedures

- In the likely less-frequent instances where CBP encounters an individual who may not fall within one of the Removal Priorities, CBP will process the individual as follows:
- Field process the subject with basic identifying information, (e.g. name, DOB, nationality,)
- Transport to the nearest DHS facility with processing and biometric enrollment capabilities
- Enroll subject's biographic and biometric into (b)(7)(E) or the (b)(7)(E) processing system and the (b)(7)(E) fingerprint system

Processing Procedures

- Run record checks which include wants and warrants, immigration history and criminal records
- If, following such processing, the alien is clearly determined to be **outside** the Secretary's civil immigration enforcement priorities:
- Obtain 1st and 2nd level supervisory approval, concurrence from Sector Staff Officer and OCC if extenuating circumstances exist
- (b) (7)(E) [redacted]

Supporting Documentation

- It is important to ensure that copies of all documentation utilized to determine whether the alien is not a priority be included in the completed file. Examples of supporting documentation that should be included are:
- Immigration History
- Criminal History
- Biometric Data
- Biographical Data

Hypothetical Scenarios

The following are practical scenarios designed to assist CBP personnel with making decisions in line with enforcement priorities and discretionary factors.

They are composites of cases that may be encountered by CBP, but any resemblance to the cases of real persons is entirely coincidental.

There will not necessarily be a single “right” way of addressing each scenario, and you are encouraged to discuss the scenarios with your colleagues, attorneys, and supervisors to deepen your understanding of the Secretary’s memoranda.

Scenario 1

On September 1, 2013, John Doe is granted voluntary departure by an Immigration Judge. On January 1, 2014, John Doe's voluntary departure period expired, without him ever departing the United States. His voluntary departure converts to a final order of removal. Does John Doe fall within enforcement priority number 3 (aliens issued a final order of removal on or after January 1, 2014)?

Scenario 1

- Under 8 C.F.R. § 1241.1, an immigration judge's (IJ) or Board of Immigration Appeals' (BIA) alternate removal order becomes final "upon overstay of the voluntary departure period." As such, because Doe's voluntary departure period expired and the final removal order took effect on or after January 1, 2014, he could arguably fall within Priority 3, as an alien "who has been issued a final order of removal on or after January 1, 2014."
- These cases should be fairly rare and arise only for those in which IJ- or BIA-ordered voluntary departure periods crossed the 2013-2014 calendar year. As such, these situations should be evaluated on a case-by-case basis to determine whether removal would serve an important federal interest.

Scenario 2

John Doe is convicted of driving under the influence (DUI) in a state that does not regard DUI offenses as misdemeanors or felonies and is sentenced to 8 days in the county jail. Does the conviction render Doe a Priority 2(b) alien ("significant misdemeanor" based on "an offense . . . of driving under the influence")?

Scenario 2

- Given the variation in state legal systems, the determination whether an offense is a misdemeanor should be made based on two considerations:
  1. Whether the violation must be proven beyond a reasonable doubt; and
  2. Whether, consistent with the federal definition of misdemeanors, the maximum term of imprisonment is over five days (18 U.S.C. § 3559(a)).
- Assuming that the responsible state authorities determined beyond a reasonable doubt that Doe had driven under the influence, he falls within Priority 2(b).

Scenario 3

John Doe was ordered removed and removed prior to January 1, 2014. He then illegally reentered prior to January 1, 2014, but had his prior order of removal reinstated after January 1, 2014 but before the Secretary's November 20 memoranda were issued. Is Doe a priority alien?

Scenario 3

- Doe does not fall within Priority 2(c), because he illegally reentered before January 1, 2014. The issue in this scenario is whether he would nevertheless fall within Priority 3, because DHS reinstated his prior order after January 1, 2014.
- Had Doe been re-encountered by DHS after Secretary Johnson's priorities took effect, his illegal reentry alone would not place him within Priority 3. Thus, his case is one of a limited group of aliens who fall within a period of transition to the new priorities.
- Individuals who fall within this narrow category will be evaluated on a case-by-case basis to determine whether their removal would serve an important federal interest.

Scenario 4

John Doe entered the United States on an H-1B nonimmigrant visa. It was later determined that this visa had been procured by fraud, in that the underlying I-129, *Petition for a Nonimmigrant Worker*, filed on his behalf contained materially false information and the supporting evidence accompanying the petition consisted of fabricated documents. Through further investigation, CBP learned that Doe's I-129 was one of many submitted by an organized smuggling/fraud ring and that Doe had paid $10,000 for this petition to be filed on his behalf.

Is Doe a Priority 2(d) alien ("aliens who, in the judgment of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs")?

Scenario 4

- The Field Office Director (or his or her delegate) should consider the totality of the circumstances in determining whether an alien has significantly abused the visa or visa waiver programs.
- While “significant abuse” is not defined in the immigration laws or the Secretary’s memoranda, it should be interpreted to include intentional violations of the immigrations laws that distinguish the alien as a priority because of the noteworthy or substantial nature of the violations or their frequency.
- In this case, Doe has intentionally engaged in a sophisticated illegal visa fraud scheme while committing acts that constitute federal felonies.
- Thus, while he does not fall under Priority 1(d), which requires a felony conviction, the Field Office Director could certainly find, in his or her judgment, that Doe has significantly abused the visa program and is therefore a Priority 2(d) alien.

Scenario 5

In 2000, John Doe illegally entered the United States at the southwest border. He is convicted of misdemeanor embezzlement and receives a 360-day sentence, with 300 days being suspended. John Doe served only 60 days in jail. Doe is inadmissible under 212(a)(2)(A)(I) of the INA – crime involving moral turpitude. Under this charge, John Doe would be subject to mandatory detention pursuant to section 236(c) of the INA should CBP choose to pursue his removal. Should CBP issue a notice to appear?

Scenario 5

- Doe's conviction would not appear to qualify as a significant misdemeanor under Priority 2(b), given that it is not among the categories of offenses listed and the bulk of his sentence was ordered suspended (i.e., he was not ordered to time in custody of 90 days or more).
- Thus, he could be both subject to mandatory detention but not constitute an enforcement priority.
- The decision whether to place Doe in proceedings would turn on whether his removal would serve an important federal interest, in the judgment of the Field Office Director.
- Field Office Directors will look carefully at the facts and circumstances of an alien's case, and whether an individual could be subject to mandatory detention is one of many factors they should consider in making his or her assessment in any individual case.

Scenario 6

John Doe entered the United States illegally in 2009. He does not have any lawful status. He is now 25 years old and in state custody on a pending criminal street gang participation charge. When CBP contacts the police department about the case, it advises the CBP officer/agent that Doe is a known gang member, with gang affiliations and documented gang tattoos on his body. Does he fall within Priority 1(c) relating to gang members?

Scenario 6

- Priority 1(c) requires either a conviction or that the individual be at least 16 years old and have "intentionally participated in an organized criminal gang to further the illegal activity of the gang."
- If convicted, Doe would clearly be a priority if the statute of conviction meets the federal "criminal street gang" standard at 18 U.S.C. § 521(a). CBP personnel should consult their Office of Chief Counsel for questions about this legal standard.
- Even without a conviction, Doe may nevertheless fall within Priority 1(c), because the pending criminal charge suggests that he has intentionally participated in an organized criminal gang to further its illegal activities. CBP personnel considering enforcement action should look closely at the available documentary evidence in such cases, including the criminal complaint, criminal arrest warrant, and police report.

Scenario 9

John Doe has unlawfully resided in the United States since 1999. He filed an asylum application with USCIS. In the asylum application and its supporting documents, Doe admits to being a high-ranking member of a repressive government during a 1980s civil war in his native country. Open source documents and Department of State Country Reports indicate that this government was involved in severe human rights violations during that time. Is Doe an enforcement priority?

Scenario 9

- Priority 1(a) includes “aliens … who otherwise pose a danger to national security.”
- The evidence indicates that Doe may have been involved in human rights violations in his native country, and the U.S. government has dubbed the prevention of grave human rights abuses to be a core national security interest.
- CBP personnel should be guided by the human rights-related provisions of the Immigration and Nationality Act (including sections 208(b)(2)(A)(i), 212(a)(2)(G), 212(a)(3)(E), and 212(a)(3)(G)) when determining whether an alien falls within Priority 1(a).
- In this case, Doe is likely to be an enforcement priority.

U.S. Customs and Border Protection

Department of Homeland Security

Implementing the President's Border Security and Immigration Enforcement Improvements Policies

and

Enforcement of the Immigration Laws to Serve the National Interest

U.S. Customs and Border Protection

CBP000039

DHS Guidance

- On February 17, 2017, the Secretary of the Department of Homeland Security (DHS) issued the memoranda titled *"Implementing the President's Border Security and Immigration Enforcement Improvements Policies"* and *"Enforcement of the Immigration Laws to Serve the National Interest."*
- These new polices outline the implementation of the Executive Order 13767, entitled "Border Security and Immigration Enforcement Improvements," and Executive Order 13768, entitled "Enhancing Public Safety in the Interior of the United States," issued by the President on January 25, 2017.

DHS Guidance cont'd

- In fulfilling the President's Border Security and Improvement Policies, immediately, the U.S. Border Patrol will, effective immediately, begin implementing new policies to both stem the flow of illegal immigration and facilitate the detection, apprehension, and removal of aliens unlawfully present in the United States.
- With the exception of the June 15, 2012 memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children," and the November 20, 2014 memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and With Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents," all existing conflicting directives, memoranda, or field guidance regarding the enforcement of our immigration laws and priorities for removal are hereby immediately rescinded; including, but not limited to, the November 20, 2014, memoranda entitled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," and "Secure Communities."

Priorities for Removal

USBP will take enforcement action against all illegal aliens encountered in the course of their duties who illegally enter, attempt to enter, or who do not have lawful status to be, or remain in, the United States. This includes the referral for criminal prosecution of any alien as appropriate as well as the initiation of removal proceedings against any alien who is subject to removal under any provision of the INA.

- As the referenced 2012 and 2014 DACA and DAPA memoranda remain in effect, along with applicable court orders, the DHS and CBP posture with respect to DACA and DAPA is not affected by issuance of the Secretary's memoranda of February 20, 2017.

USBP should take particular care to prioritize the removal of aliens who:

- have been convicted of any criminal offense;
- have been charged with any criminal offense that has not been resolved;

Priorities for Removal cont'd

- have committed acts which constitute a chargeable criminal offense;
- have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency;
- have abused any program related to receipt of public benefits;
- are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or
- in the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Priorities for Removal cont'd

Aliens listed on the previous slides do not necessarily have to be placed in removal proceedings based on a criminal ground of inadmissibility or removability. Instead, USBP should prioritize individuals within the above priorities for removal proceedings within the lawfully available removable grounds. This may include those PWA. Sectors are encouraged to coordinate with ERO as needed.

The enforcement priority should be in accordance with the Border Patrol Consequence Delivery System in the following order of preference:

(1) Expedited Removal (ER), if applicable,
(2) Notice to Appear
(3) Voluntary Return

Plans to Implement Provisions of Section 235(b)(2)(C) of the INA to Return Aliens to Contiguous Countries

As set forth in INA 235(b)(2)(C), aliens arriving from Mexico or Canada that are processed via Notice to Appear may be returned to that country pending a hearing before an immigration judge.

(b)(7)(E)

Aliens In Custody

USBP will detain all aliens placed in removal proceedings until such time as the alien is transferred to another federal, state or local entity. Aliens who have been placed in expedited removal, including family units, may not be released or paroled from USBP's custody except where:

- The release is part of USBP's overall effort to removing or permitting the alien to depart from the United States.
- USBP determines the alien is a U.S. citizen, LPR, returning refugee, or asylee.
- USBP determines that the alien has received an order granting relief or protection from removal.

Aliens In Custody cont'd

- Where, in consultation with local Associate/Assistant Chief Counsel as may be appropriate, the release is determined to be required by statute, judicial order, or settlement.
- Parole is approved by the Sector Chief on a case by case basis, with the written concurrence of the Deputy Director of ICE and the Deputy Commissioner of CBP.
- Parole is necessary to address an emergent situation, such as (b)(7)(E) [redacted] the Sector Chief may permit parole, with notice to the Deputy Director of ICE or Deputy Commissioner of CBP as soon as practicable.

Parole/OR Authority Pursuant to Section 212(d)(5) and 236 of the INA

Requests for parole or other release should be submitted sparingly, and only in individual cases. Examples include:

- The release serves the best interests of the United States because of demonstrated urgent humanitarian reasons or significant public benefit.
- (b)(7)(E) [redacted]

Parole/OR Authority Pursuant to Section 212(d)(5) and 236 of the INA cont'd

All processing options must be explored prior to issuing a NTA/OR. Release from CBP custody on an alien's own recognizance (OR) may only occur where approved by the Chief Patrol Agent.

- Each time an alien is released OR, there must be clearly articulable circumstances to justify the release and those circumstances must be noted in the narrative section of the I-213.
- Prior to releasing any alien OR, every alternative must be explored and clearly articulated in the narrative section of the I-213.
- (b)(7)(E) then the Chief Patrol Agent will coordinate with Headquarters Border Patrol to reach an appropriate resolution prior to releasing the alien.

Expanding Expedited Removal Pursuant to Section 235(b)(1)(A)(iii)(I) of the INA

- The Secretary's memorandum contemplates the expansion of Expedited Removal on terms to be specified.
- This expansion may not be implemented until such time as a Federal Register notice is issued and further guidance is provided.

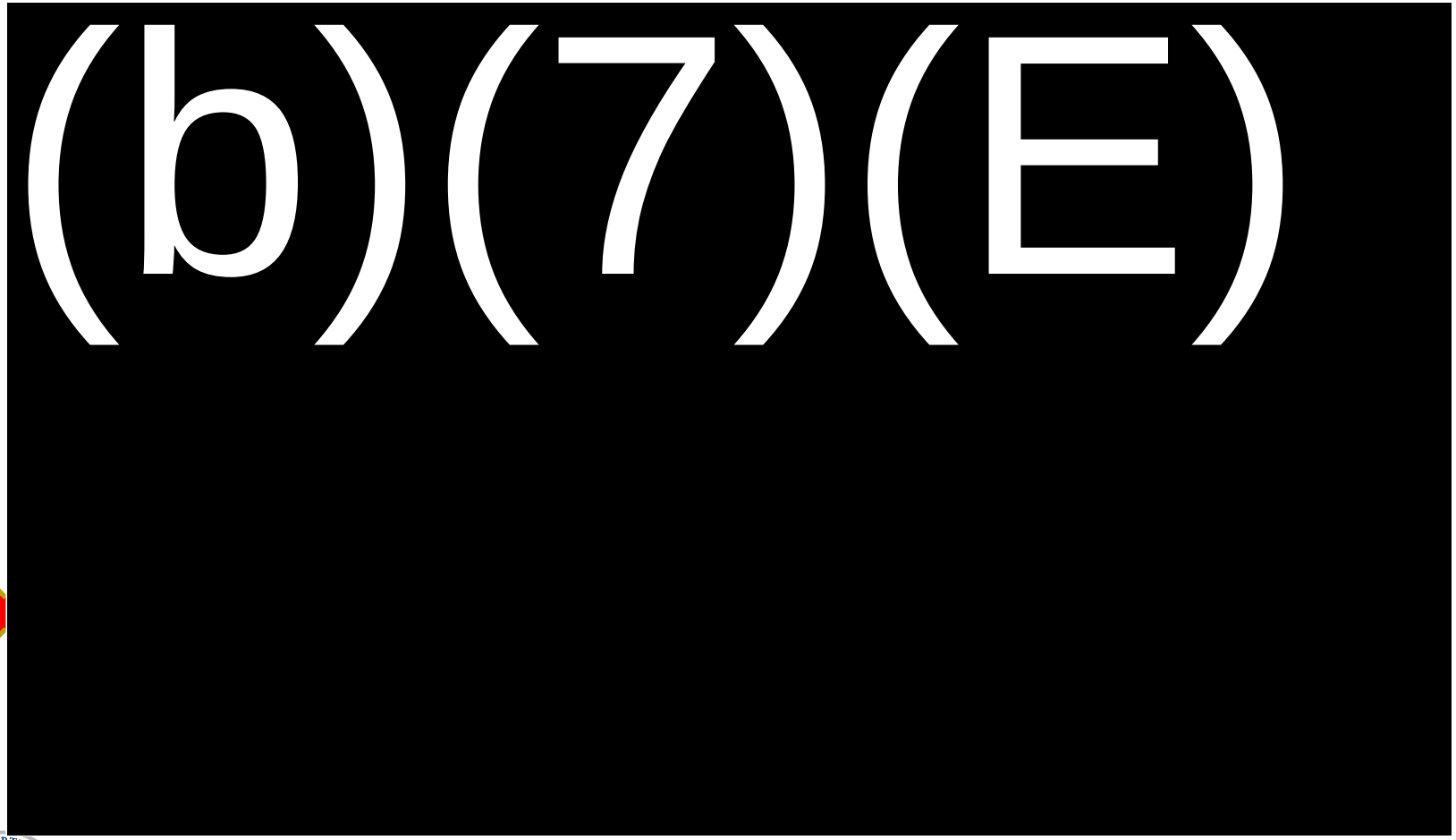
Training will provided to field staff once Headquarters Staff receives further guidance and instruction from DHS.

Immigration Detainer Guidance

- USBP should continue working with other Federal, State and Local law enforcement agencies with regard to Immigration Detainers.
- USBP will continue to utilize existing detainer forms until such forms are replaced and disseminated to the field.

Where do I locate the forms?

- (b)(7)(E)
- Print Forms Section



UAC Processing and Treatment

- Agents will continue to follow the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and the *Flores* Settlement Agreement, including all implementing policies and procedures, to ensure that all children, including unaccompanied alien children, are provided special protections to ensure that they are properly processed and receive the appropriate care and placement when they are encountered by USBP.
- Agents must complete Form 93 for all unaccompanied alien children.
- Mexican and Canadian unaccompanied alien children may be permitted to withdraw their application for admission and return to Mexico or Canada after proper coordination with the Mexican or Canadian Consulate has been completed.

UAC Processing and Treatment cont'd

- Unaccompanied alien children who are permitted to withdraw may be repatriated at the nearest port of entry to Mexican/Canadian Consulate officials at a time designated by the consulate official.